MOTION IN RE RECORD.

The petitioner moves that this Court accept as the record on this petition the certified copy and the nine additional copies filed herewith. These nine additional copies differ from the certified copy merely in that three exhibit photographs appearing on pages 141, 143 and 145 are uncolored in the additional copies, whereas in the certified copy these exhibits are photographically colored by a very expensive process performed by the Eastman Kodak Company.

The petitioner moves also that if its petition for a writ of certiorari is granted, that petitioner be allowed to file the supplemental copies then required in the same form as the nine additional copies filed herewith.

The three exhibit colored photographs above referred to are Kodachrome colored positives reproduced by the Eastman Kodak Company at Rochester, New York, from transparency negatives, which were the original exhibits Nos. 284, 285 and 286, before the Master and the District Court. A stipulation (Rec. p. 230) allowed the respondent to replace these negatives before the Court of Appeals by the positives as appears in the certified copy of the Record filed in this Court.

Only four sets of these Kodachrome positives were filed by respondent in the Court of Appeals on account of the expense of making these reproductions in color, and in its motion to be allowed to use only four copies the respondent explained (Rec. p. 107) that the cost of producing 90 prints (for thirty copies of the record) would amount to $558.00.

Besides the expense, there would be an unusually great delay in obtaining the colored reproductions from the Eastman Kodak Company, due to war conditions. For the same reason it is extremely difficult, if not impossible, to

obtain at this time the materials and the labor to hand color the copies and the expense would be very great.

Respectfully,

OIL CITY REFINERS, INC.

By ALBERT H. BATES,

ALBERT R. TEARE,

Counsel for Petitioner.

BATES, TEARE & MCBEAN,

Cleveland, Ohio,

Attorneys and Solicitors.